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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 Cr. 521 (LTS)

5 ADAM SAMIA,

6 Defendant.

7 -----x  
8 April 5, 2016  
9 11:05 a.m.

10 Before:

11 HON. LAURA TAYLOR SWAIN

12 District Judge

13 APPEARANCES

14 PREET BHARARA

United States Attorney for the  
Southern District of New York

15 MICHAEL LOCKARD

Assistant United States Attorney

16 SUSAN G. KELLMAN

17 SARAH KUNSTLER

Attorneys for Defendant

18  
19 Also present: JEREMY SCHNEIDER, CJA Counsel  
20 DAVID STERN, CJA Counsel

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(Case called)

THE COURT: Counsel.

MR. LOCKARD: Good morning, your Honor. Michael Lockard for the government.

THE COURT: Good morning, Mr. Lockard.

MR. KELLMAN: Good morning, your Honor. Susan Kellman and Sarah Kunstler for Adam Samia.

THE COURT: Good morning, Ms. Kellman and Ms. Kunstler.

Good morning, Mr. Samia.

THE DEFENDANT: Good morning, your Honor.

At my request, Mr. Jeremy Schneider and David Stern are also here, who are members of our CJA counsel.

So I have scheduled this conference principally because I have received a letter, dated March 23rd, from Ms. Kellman indicating that she and Ms. Kunstler wished to be relieved as counsel.

Is that still your request, Ms. Kellman?

MR. KELLMAN: Yes, it is, Judge. And thank you for scheduling this.

THE COURT: Is there anything further that you, Ms. Kunstler and Mr. Samia believes is appropriate to say on the record with respect to the request?

MR. KELLMAN: I don't believe so. I think the bottom line is that our ability to communicate with our client has

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1 become extremely difficult, and I think that he would be best  
2 served with new counsel.

3 THE COURT: All right then.

4 Having reviewed the letter carefully, and hearing Ms.  
5 Kellman reiterate today on the record that the necessary  
6 ability to communicate and the relationship of trust and  
7 confidence is not there, I will grant the application of  
8 counsel to withdraw, and I will appoint Mr. Schneider to  
9 represent Mr. Samia.

10 Mr. Schneider, if you would like, you can come  
11 forward. I think the most efficient thing, in terms of  
12 staffing and budgeting, would be for you to have a conversation  
13 with Jerry Tritz first and then submit the necessary forms.

14 Would you just confirm that you are willing and  
15 available to serve as counsel?

16 MR. SCHNEIDER: Yes.

17 THE COURT: In consultation with the U.S. Attorney's  
18 Office, we have done the necessary conflict review, and I have  
19 been informed that there is no conflict.

20 So if you would like to be seated next to Ms. Kellman.

21 MR. KELLMAN: Your Honor, also, for convenience sake,  
22 we have brought the entire file in electronic form, and some of  
23 it in printed form, to turn over to Mr. Schneider. I think  
24 your Honor may know from doing the bills, we have done a  
25 tremendous amount of work in this case, and hopefully there

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1 won't be much of a skipping of any steps because I think a lot  
2 of the work that we have done, in terms of collating  
3 everything, reading everything, summarizing everything, has  
4 been put into a database that we are turning over to Mr.  
5 Schneider this morning.

6 We have told him that if there is anything he needs,  
7 we are a phone call away, and we will be available on a  
8 moment's notice if he needs anything. We have also provided  
9 him with the contacts of people we have used outside of our  
10 office, investigators and that sort of thing. And we also have  
11 a budget, and we will reach out to Mr. Tritz, let him know to  
12 expect Mr. Schneider's call so that we can coordinate the  
13 budget and the like.

14 THE COURT: You anticipated my next three questions.  
15 So thank you for making that clear.

16 The other issue with respect to correspondence is that  
17 I have received a March 22 letter from Ms. Kunstler, which  
18 included a request that that letter be filed under seal. I  
19 have some questions about that request. So unless the request  
20 for a sealed filing is no longer being made, I guess I will  
21 need to ask Mr. Lockard to leave the courtroom.

22 So, Ms. Kunstler, do you still wish to request that  
23 that be a sealed filing?

24 MS. KUNSTLER: Yes, your Honor.

25 THE COURT: Mr. Lockard, if you would.

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1 MR. LOCKARD: Yes, your Honor.

2 THE COURT: Just before Mr. Lockard leaves the room,  
3 let me just say clearly that the letter that I received from  
4 Ms. Kellman, which is dated March 23, and concerns the  
5 attorney-client relationship, will be filed under seal  
6 precisely because of its subject matter.

7 (AUSA Lockard exits courtroom)

8 (Pages 6-9 sealed by order of Court)

9 (Continued on next page)

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1 (AUSA Lockard now present)

2 THE COURT: We are back on the open record. Mr.  
3 Lockard is back.

4 MR. KELLMAN: Can we have just one minute, Judge?

5 (Pause)

6 MR. KELLMAN: Your Honor, we just have a little  
7 concern. There is a protective order in this case, which  
8 allows us to review all of the materials in the case and to  
9 share them with people who are authorized to work on this case.  
10 I don't know the exact language. We have all the materials  
11 ready to turn over. The U.S. attorney is saying that perhaps a  
12 check of the language in the protective order would be  
13 appropriate before we actually turn anything over. I imagine  
14 that can be done fairly quickly. I have a 1:00 in the Eastern  
15 District with Mr. Stern. So I can hold on to the materials  
16 until I hear from Mr. Lockard, and if I get an e-mail from him  
17 that says it's OK to turn it over, I will give it to Mr. Stern  
18 at 1:00.

19 THE COURT: Mr. Lockard, if it is your position that  
20 something needs be adjusted, you will promptly speak with Mr.  
21 Schneider and get that straightened out.

22 MR. LOCKARD: Yes, your Honor.

23 THE COURT: I will be putting in an order today saying  
24 that Ms. Kellman, Ms. Kunstler and Mr. Spilke are relieved and  
25 Mr. Schneider is appointed as new CJA counsel, and we can do

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1 supplemental orders as may be appropriate.

2 So I am filing the correspondence that I referred to  
3 under seal, for reasons that I have explained on the record,  
4 partly on the sealed part of the record, partly on the public  
5 part of the record.

6 The next conference in this case is scheduled for  
7 Friday at 3.

8 Mr. Schneider, are you available for that?

9 MR. SCHNEIDER: Friday at 3?

10 THE COURT: Yes.

11 MR. SCHNEIDER: Yes.

12 THE COURT: I will see you again then and, of course,  
13 we can adjust what is appropriate in terms of scheduling and  
14 timing after you familiarize yourself with everything.

15 Is there anything else that we all need to take up  
16 this morning?

17 MR. LOCKARD: Not from the government.

18 MR. SCHNEIDER: I think we are fine for now.

19 MR. KELLMAN: Thank you very much.

20 THE COURT: Thank you again, Ms. Kellman and Ms.  
21 Kunstler.

22 Thank you, Mr. Schneider.

23 (Adjourned)  
24  
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